

Subchapter Three: Zoning

5.03.010 Title.

This subchapter shall be known as the "Zoning Ordinance" of the Town of Colma.

[History: formerly § 5.301; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.020 Purpose.

There is hereby adopted a zoning or districting plan for the Town of Colma. This plan is adopted to promote and protect the public health, safety, peace, morals, comfort and general welfare. It consists of the establishment of various zones, including therein all the territory within the boundaries of said city, within some of which zones it shall be lawful and within some of which zones it shall be unlawful to construct, reconstruct, alter, enlarge, move, or maintain certain buildings or to use certain lands or buildings, and it further consists of appropriate regulations to be enforced in such zones, all as set forth in this ordinance.

[History: formerly § 5.302; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.030 General Prohibition.

No person may use, design, or intend to be used, any building or land in the city, except for the purposes specified in, and in compliance with, the provisions of this subchapter.

[History: formerly § 5.303; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.040 Zones and Boundaries Thereof.

(a) The following land use zones shall be established in the City:

- G - Memorial Park, Agricultural and Recreational
- R - Residential
- R-S - Neighborhood Residential [Ord. 536, 7/8/98]
- C - Commercial
- P - Public
- E - Executive, Administrative
- T - Transit

(b) The following safety zone shall be established in the City: F.

Such zone shall be in addition to and lay over the land use zones as set forth in subsection (a) above. All real property in the Town of Colma lying within 50 feet of either edge of the Colma Creek, and all other real property determined by the City Engineer to be subject to a one per cent chance of flooding in any given year, shall be in the F zone.

(c) The following transit zone shall be established in the City: T.

Such zone shall be in addition to and lay over the land use zones as set forth in subparagraph (a) above. All real property in the Town of Colma lying within the 60-foot right-of-way owned, or formerly owned, by Southern Pacific Company shall be in the T zone.

(d) The following design review zone shall be established in the City: DR.

Such zone shall be in addition to and lay over the land use zones set forth in subparagraph (a), above. All real property from the junction of Mission Road and El Camino Real on the south to the junction of F Street and El Camino Real on the north, and from Junipero Serra Boulevard on the west to the City limits on the east, plus all property fronting on Mission Road, shall be in the DR zone.

(e) The zones aforesaid and the boundaries of such zones are shown upon a map filed with the City Clerk and designated "General Plan Land Use, Town of Colma, April 2008 Zoning Map". Said map and all notations, references and other information shown thereon shall be and hereby is incorporated by reference in this ordinance as if fully set forth herein.

[History: formerly § 5.310, ORD. 234, 3/14/79; ORD. 290, 8/10/83; ORD. 321, 7/10/85; ORD. 374, 9/14/88; ORD. 409, 3/14/90; ORD. 536, 7/8/1998; ORD. 557, 8/18/1999; ORD. 573, 4/12/00, ORD. 588, 8/15/2001; ORD 609, 12/10/03; ORD. 610, 1/14/04; ORD. 627, 4/13/05; ORD. 638, 12/14/05; ORD. 668, 5/14/08]

5.03.050 Zone Boundaries.

Where uncertainty exists as to the boundaries of any zone shown on said "Zone Map", the following rules shall apply:

(a) Where such boundary is indicated as approximately following a street or alley line, such street or alley line shall be deemed to be such boundary.

(b) Where such boundary is indicated as approximately following a lot line, such lot shall be deemed to be such boundary.

(c) Where uncertainty exists, the City Council shall, by written declaration, determine the location of the zone boundary.

[History: formerly § 5.311; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.060 "G" Zone.

(a) The following uses are generally permitted on land located within the "G" Zone:

- (1) A cemetery or memorial park;
- (2) Agriculture, which is primarily open field;
- (3) A golf course.

(b) The following uses may be permitted by the City Council on land located in the "G" Zone upon issuance of a use permit in accordance with the procedures hereinafter set forth:

- (1) Any use which now or hereafter may be customarily incident to a cemetery or memorial park use, including flower shops, monument shops, crematoriums, and cemetery corporation yards;
- (2) Any use which now or hereafter may be customarily incident to agriculture use, including nurseries, agriculture or flower growing utilizing greenhouses or shade structures, firewood yard, or landscape contractors yard;
- (3) Any use which now or hereafter may be customarily incident to a golf course, including clubhouse, sale of golf balls, golf shoes and clothing or golf clubs and equipment, lunch counter, conduct of "pro shop", practice range, practice green, and driving range.
- (4) Communications structures.

[History: formerly § 5.312; ORD. 234, 3/14/79; ORD. 325, 11/13/85; ORD. 480, 5/10/95; ORD. 520, 12/10/97; ORD. 638, 12/14/05]

5.03.070 "R" Zone.

(a) The following uses are permitted on land located within the "R" Zone:

- (1) A single family dwelling;
- (2) A "small family day care home", as defined in the Health and Safety Code providing family day care to six or fewer children; and
- (3) Second dwelling units.

(b) The following uses may be permitted in the "R" Zone upon issuance of a use permit in accordance with the procedures hereinafter set forth:

- (1) A multiple dwelling up to six units, provided that the proposed residential density does not exceed that specified in the Colma General Plan;

(2) Residential Planned Development on land identified in the Colma General Plan as suitable for residential uses, provided the proposed residential density does not exceed that specified in the Colma General Plan;

(3) Home office use;

(c) The following use, Large Family Day Care Home, may be administratively permitted in the "R" Zone by the City Planner in accordance with the procedures set forth in Section 5.03.320 of this Code and the provisions of Health and Safety Code Section 1597.46(a)(3). The application for such use permit shall be reviewed and decided by the City Planner who shall grant said permit if the Large Family Day Care Home complies with the requirements set forth herein, relating to such homes and complies with applicable state fire regulations. Not less than ten (10) days prior to the date on which the decision will be made, the City Planner shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a 100-foot radius of the exterior boundaries of the proposed large family day care home. No hearing on the application shall be held prior to the decision unless a hearing is requested by the applicant or other affected person. The decision may be appealed by the applicant or other affected person and the appellant shall pay the cost, if any, of the appeal. In addition to the requirements generally applicable in the "R" Zone, the following requirements apply to Large Family Day Care Homes:

(1) Concentration: No more than one (1) Large Family Day Care Home may be established within a 500-foot radius of another such use.

(2) Traffic Control/Parking: A Large Family Day Care Home may not have frontage on a street recognized in the Colma General Plan as an arterial or collector street. The Home must have a minimum of one curb space and one driveway space available during drop-off (7:00 a.m. - 9:00 a.m.) and pick-up (4:00 p.m. - 6:00 p.m.) hours.

(3) Noise: Outdoor play areas may be used only between 10:00 a.m. and 7:00 p.m.

(4) Building Code/Fire Code: Home must have evacuation plan and regular instructional drills for the children. Smoke alarms and fire extinguishers shall be provided in accordance with standards adopted by the State Fire Marshal.

(d) Accessory buildings may be permitted in the "R" zone as follows:

(1) An accessory building less than 120 square feet in projected roof area and less than six feet in height is generally permitted on residential lots in the "R" zone and is not subject to setback requirements provided that such accessory building meets each of the following requirements: (A) the accessory building is not placed between any section of the front wall or foundation of the residence and the front property line, and (B) the aggregate floor area of all such accessory buildings on a single residential parcel does not exceed 120 square feet;

(2) An accessory building not meeting the requirements of the preceding paragraph may be administratively permitted by the City Planner in accordance with the procedures set forth in Section 5.03.520 of this Code provided that the Planner makes the findings for a use permit set forth in section 5.03.410 of this Code and, that the accessory building meets each of the following requirements: (A) each accessory building that exceeds 120 square feet in area or is greater than six feet tall must comply with the setback requirements applicable to buildings in the "R" zone; (B) the aggregate floor area of all accessory buildings on the lot may not exceed 25% of the rear yard; and (C) the accessory building meets each of the following design requirements: (i) the accessory building shall conform to each restriction set forth in section 5.03.250 for the dwelling unit on the parcel; (ii) the design of and materials used for that accessory building shall be consistent with the design of and materials used in the dwelling unit on the lot; and (iii) the accessory building shall be sited to protect the privacy and quiet enjoyment of neighboring properties and shall minimize impacts of noise, light, glare, and traffic on neighboring properties.

[History: formerly § 5.313, ORD. 234, 3/14/79; ORD. 346, 3/11/87; ORD. 442, 10/14/92; ORD. 425, 7/10/91; ORD. 600 6/11/03; ORD.617, 6/16/04; ORD. 638, 12/14/05]

5.03.080 "R-S" Zone

(a) The following uses are permitted on land in the "R-S" Zone:

- (1) Single family detached dwelling;
- (2) A "small family day care home" as defined in the Health and Safety Code providing family day care to six or fewer children; and
- (3) Community parks and public buildings.

(b) The following uses may be permitted in the "R-S" Zone upon issuance of a Conditional Use Permit and provided they comply with standards hereinafter set forth:

- (1) Home office use;

(c) Existing multiple residence buildings, warehouses and other facilities not specifically listed in subparagraphs (a) and (b) above, shall be considered non-conforming uses. If warehouses or buildings housing commercial or light industrial uses are destroyed or damaged in excess of fifty percent (50%) of their market value they may only be replaced with conforming uses. If multiple residential buildings are destroyed or damaged beyond fifty percent (50%) of their market value they may be replaced with an equal number of legal units provided parking and other development standards comply with the standards set forth in this District.

(d) Legal second units, existing in conjunction with a principal residence on August 19, 1998, shall be considered legal, non-conforming uses. New second units or expansions to existing units are prohibited.

(e) Accessory buildings may be permitted in the "R" zone as follows:

(1) An accessory building less than 120 square feet in projected roof area and less than six feet in height is generally permitted on residential lots in the "R" zone and is not subject to setback requirements provided that such accessory building meets each of the following requirements: (A) the accessory building is not placed between any section of the front wall or foundation of the residence and the front property line, and (B) the aggregate floor area of all such accessory buildings on a single residential parcel does not exceed 120 square feet;

(2) An accessory building not meeting the requirements of the preceding paragraph may be administratively permitted by the City Planner in accordance with the procedures set forth in Section 5.03.520 of this Code provided that the Planner makes the findings for a use permit set forth in section 5.03.410 of this Code and , that the accessory building meets each of the following requirements: (A) each accessory building that exceeds 120 square feet in area or is greater than six feet tall must comply with the setback requirements applicable to buildings in the "R" zone; (B) the aggregate floor area of all accessory buildings on the lot may not exceed 25% of the rear yard; and (C) the accessory building meets each of the following design requirements: (i) the accessory building shall conform to each restriction set forth in section 5.03.250 for the dwelling unit on the parcel; (ii) the design of and materials used for that accessory building shall be consistent with the design of and materials used in the dwelling unit on the lot; and (iii) the accessory building shall be sited to protect the privacy and quiet enjoyment of neighboring properties and shall minimize impacts of noise, light, glare, and traffic on neighboring properties.

(f) The following uses are specifically prohibited in the "R-S" Zone:

- (1) Communications structures
- (2) Churches
- (3) Schools
- (4) Commercial and Light Industrial uses

[History: formerly § 5.313.1, ORD. 536, 7/8/98, ORD. 617, 6/16/04; ORD. 638, 12/14/05]

5.03.090 "C" Zone. The following uses may be permitted in the "C" Zone upon issuance of a use permit in accordance with the procedures set forth:

(a) A commercial establishment;

- (b) A single family dwelling or a multiple dwelling up to six units, provided the proposed residential density does not exceed that specified in the Colma General Plan;
- (c) Residential Planned Development on land identified in the Colma General Plan as suitable for residential uses, provided the proposed residential density does not exceed that specified in the Colma General Plan;
- (d) A light industrial establishment;
- (e) Communications structures;
- (f) Commercial center;
- (g) Retail Merchandising Unit; [Ord. 506, 3/12/97]
- (h) Such other uses which, upon a finding of the City Council, are of a similar nature as the above described uses.

[History: formerly § 5.314; ORD. 234, 3/14/79; ORD. 309, 2/13/85; ORD. 425, 7/10/91; ORD. 638, 12/14/05]

5.03.100 "DR" Combining Zone.

The "DR" Design Review zone may be combined with all base zones to achieve a consistent site, landscape and building design theme in those areas where it is applied.

[History: formerly § 5.315; ORD. 500, 10/9/96; ORD. 638, 12/14/05]

5.03.110 "P" Zone.

The following uses are permitted in the "P" Zone:

- (a) Public buildings and parks, and any uses incident thereto.
- (b) Municipal supported senior housing.

[History: formerly § 5.316; ORD. 234, 3/14/79; ORD. 459, 10/13/93; ORD. 638, 12/14/05]

5.03.120 "E" Zone.

(a) The following uses are generally permitted on land located within the "E" Zone:

- (1) A cemetery or memorial park;
- (2) Floriculture or agriculture.

(b) The following uses may be permitted by the City Council on land located in the "E" Zone upon issuance of a use permit in accordance with the procedures hereinafter set forth:

- (1) Nurseries;
- (2) Flower Shops;
- (3) Monument Shops;
- (4) Medical Service Offices where medical, dental or veterinarian consultation, treatment and/or advice is dispensed on an outpatient basis;
- (5) Professional Business Offices where professional or technical business services are offered and/or where the administrative management function of a business is performed and where no external signing is required;
- (6) Restaurants; provided that banquet facilities are included capable of accommodating 50 or more persons separated from the principal dining facilities.
- (7) Such other uses as the Council finds are of a similar nature to the specified uses.

[History: formerly § 5.317; ORD. 234, 3/14/79; ORD. 321, 7/10/85; ORD. 372, 7/13/88; ORD. 638, 12/14/05]

5.03.130 "PD" Zone.

The following uses are permitted within the "PD" Zone upon issuance of a use permit in accordance with the procedures hereinafter set forth:

- (a) Single family residential developments;
- (b) Multiple housing developments;
- (c) Neighborhood and community commercial centers;
- (d) Professional and administrative offices; or
- (e) A combination of such uses.

This zone may be established to allow flexibility of design, which is in accordance with the objectives and spirit of the General Plan.

[History: formerly § 5.319; ORD. 234, 3/14/79; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.140 Establishment of PD Districts.

PD Districts may be established in any R or C Zone upon application of a property owner or owners, or upon the initiative of the City Council.

[History: formerly § 5.320; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.150 Conceptual Development Plan Required.

(a) An application for the establishment of a PD District shall be accompanied by a Conceptual Development Plan which, if approved by the City Council, shall become a part of the Zoning Map of the Town of Colma.

(b) Said Conceptual Development Plan shall show the following information, presented in a schematic form and at a scale satisfactory to the City Planner, with a reduced reproducible print of the proposed drawing suitable for publication purposes:

- (1) Proposed land uses;
- (2) Location of buildings, structures and building groups;
- (3) A tabulation of proposed dwelling unit density in residential areas;
- (4) A tabulation of floor area ratios and the maximum heights of proposed buildings;
- (5) Proposed circulation systems, including preliminary street cross sections;
- (6) Proposed parks, playgrounds, school sites and other open spaces;
- (7) Location and type of existing and proposed landscaping;
- (8) An economic feasibility analysis of proposed commercial uses;
- (9) Delineation of the major units within the development to be constructed in progression;
- (10) Relation to future land use in surrounding area as proposed in the General Plan;
- (11) Proposed off-street parking;
- (12) Proposed storm drainage facilities.

(c) The City Council may require such other information which, combined with the information submitted, shall be for the purpose of ascertaining substantial conformity with the adopted General Plan. The City Council shall make the following findings prior to approval of the Conceptual Development Plan:

(1) That the proposed uses are, in substantial part, generally or conditionally permitted under the zoning classification for the proposed district in existence at the time of the application;

(2) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts;

(3) That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.

(4) That any proposed development can be economically justified at the locations proposed;

(5) That the impact created by the development can be absorbed and serviced by the City (police and fire service, water supply, sewage disposal, etc.).

(d) The City Planner may require the submittal of a topographic model of the proposed district to an accurate scale. Both horizontal and vertical scales shall be the same. The scale and detail of the model shall be sufficient to accurately illustrate the appearance of the total final development. The City Planner shall approve the scale of the model in writing prior to its construction. The following proposed items shall be included on the model:

- (1) Final topography of the district after grading;
- (2) Street system;
- (3) Location and bulk of buildings and structures;
- (4) Lot design;
- (5) Parks, playgrounds, school sites and other open spaces;
- (6) Parking and loading areas;
- (7) Location of existing and proposed major landscaping.

(e) An application for establishment of a PD District shall be accompanied by a fee, which shall be established from time to time by the City Council of the Town of Colma by resolution, for each proposed dwelling unit and each proposed commercial establishment shown in the Conceptual Development Plan. Said fee shall be in lieu of the fees prescribed in this Code for an amendment to the zoning map, for a variance, and for a use permit.

[History: formerly § 5.321, ORD. 264, 9/17/81; ORD. 524 1/14/1998; ORD. 638, 12/14/05]

5.03.160 Conditional Uses.

A Use Permit shall be required for any and all uses in a PD District. A Detailed Development Plan, as described in 5.03.170, shall be submitted as part of the application for a Use Permit. The Council shall not grant a Use Permit for any use or uses in a PD District unless it finds that:

- (a) Each of the standards set forth in section 5.03.410 have been met;
- (b) The use or uses as shown on the Detailed Development Plan are the same as the use or uses shown on the approved Conceptual Development Plan.

[History: formerly § 5.322; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.170 Detailed Development Plan Required.

(a) An application for a Use Permit in a PD District shall include and be accompanied by a Detailed Development Plan which, if approved by the City Council, shall become a part of the Use Permit. The Detailed Development Plan shall contain certifications that a Design Professional or group of Design Professionals have participated in its preparation. Design Professional means a civil engineer, landscape architect, architect, registered building designer, or city planner who is a member of the American Institute of Certified Planners. Compliance with the requirements of this section shall not be construed as relieving the applicant from compliance with the Subdivision Ordinance or other applicable ordinances of the Town of Colma.

(b) The Detailed Development Plan shall include:

- (1) A map showing any street system and lot design proposed within the District, and any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings, and other such uses;
- (2) A map showing the existing topography and the proposed finished grading of the District at one-foot contour intervals on areas of a cross slope of less than 5 per cent; at two-foot contour intervals on areas of a 5 to 10 per cent cross slope; at five-foot contour intervals on areas exceed 10 per cent cross slope. (For the purpose of this section, the cross slope of an area is defined to be the ratio expressed as a percentage of the vertical difference in elevation to the horizontal distance between any two points, with the line connecting the two points being essentially perpendicular to the contours between the two points. The City Council shall have the authority to determine the cross slope of an area and shall also have the authority to designate different portions of the District as having different cross slopes.);
- (3) A plot plan for each building site or sites in the proposed PD District, the location of all proposed buildings, with a statement of the maximum and minimum distances between buildings and the property or building site lines;

- (4) A detailed tabulation of the resultant densities of persons, dwelling units, floor area ratios and height of structures;
- (5) Off-street parking and loading plan;
- (6) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the PD District, and to and from adjacent public thoroughfares, and any special engineering features and traffic regulation devices needed to facilitate or insure the safety of the circulation pattern;
- (7) Landscaping and tree planting plan showing the approximate location and type of plant materials to be installed;
- (8) Detailed engineering site plans, including proposed finished grades and all public improvements;
- (9) Detailed engineering plans for the provisions of public utilities for the site, including provisions for off-site connections and facilities necessary to serve the site;
- (10) Elevations and perspective drawings of all proposed structures. (Such drawings need not be the result of the final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of the proposed buildings and the general appearance of the proposed structures, to the end that the entire development will have architectural unity and be in harmony with surrounding developments);
- (11) A written statement describing the disposition of recreation and open space areas, including proposals for ownership, development and maintenance of such spaces;
- (12) Detailed engineering plans for the provisions of storm drainage facilities.

[History: formerly § 5.323; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.180 Design Standards.

The following design standards shall be established as shown on the Detailed Development Plan for the particular PD District as approved by the City Council. Said design standards shall become a part of the Use Permit:

- (a) Minimum building site;
- (b) Minimum lot dimensions;
- (c) Maximum building site coverage by buildings and structures;
- (d) Minimum yards;

- (e) Maximum building or structure heights;
- (f) Maximum height of fences and walls;
- (g) Signs;
- (h) Off-street parking.

[History: formerly § 5.324; ORD. 264, 09/17/81; ORD. 638, 12/14/05]

5.03.190 Open Space and Density.

Open space and density shall be as shown on the Detailed Development Plan for the particular PD District as approved by the City Council.

[History: formerly § 5.325; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.200 Amendment of Development Plan.

(a) Changes in the Conceptual Development Plan shall be considered the same as changes in the Zoning Map and shall be made in accordance with the procedures set forth in section 5.03.480 of this Code.

(b) Changes in the Detailed Development Plan shall be considered the same as changes to the Use Permit and shall be made in accordance with the procedures set forth in section 5.03.400 of this Code.

[History: formerly § 5.326; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.210 Development Schedule.

An application for a Use Permit in a PD District shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date on which construction of all facets of the entire project can be expected to begin, the anticipated rate of development, and completion date. The development schedule, if approved by the City Council, shall become a part of the Detailed Development Plan and shall be adhered to by the owner of the property in the PD District, and his successors in interest.

[History: formerly § 5.327; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.220 Revocation of Use Permit.

If, in the opinion of the City Council, the owner or owners of property in a PD District are failing or have failed to meet an approved development schedule, the City Council may initiate proceedings under section 5.03.430 of this Code to revoke the applicant's Use Permit until such time as the applicant conforms to the conditions thereof. For good cause shown by the property owner, in writing, prior to the expiration of the original development schedule, the City

Council may extend the limits imposed by the development schedule in accordance with section 5.03.420 of this ordinance.

[History: formerly § 5.328; ORD. 264, 9/17/81; ORD. 638, 12/14/05]

5.03.230 Minor, Short-term, and Temporary Uses.

(a) No person shall operate a minor, short-term or temporary use in any zoning district without first obtaining a Use Permit therefore, which may be granted administratively in accordance with this Code.

(b) Any proposed minor, short-term or temporary use shall meet the following criteria and standards:

- (1) The proposed activity will not pose any significant land use consequences;
- (2) The proposed activity has direct access from a major or secondary thoroughfare;
- (3) Provision has been made to minimize noise and dust from the activity;
- (4) The property and principal building thereon is not in violation of any applicable zoning or building codes;
- (5) Provision has been made, to the satisfaction of the City Planner, to discontinue the use, to clean the area, and to return the area to its previous state upon termination of the period authorized in the use permit for a short-term or temporary use;
- (6) The granting of the Permit will not be detrimental to the public health, safety or public welfare, or materially injurious to properties or improvements in the vicinity;
- (7) Existing property uses, large or small, will not be detrimentally affected by the proposed use;
- (8) The granting of the Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by this subchapter on the existing use of properties, large or small, within the Town of Colma; and
- (9) The proposed use will not constitute a nuisance as to neighboring persons or properties.

(c) The City Planner may impose such conditions on the issuance of the Administrative Use Permit as may be reasonably necessary to implement the purposes and intent of the Town's General Plan and Zoning Ordinance, including a condition that the permit holder post a bond or other security to guarantee compliance with this ordinance and the permit.

[History: formerly § 5.329, ORD. 563, 10/18/99; ORD. 638, 12/14/05]

5.03.240 Restrictions Applicable to "G" Zone.

- (a) No commercial or business use of any kind shall be conducted in the "G" Zone, except such uses which are normally considered incidental to or accessory to a cemetery or memorial park, agriculture, or a golf course.
- (b) As to any golf course use, the following restrictions shall apply:
 - (1) Enclosed sanitary facilities shall be provided, with not less than three toilets for men and three toilets for women at each golf course;
 - (2) Paved parking area shall be provided for 200 automobiles or more, which area shall be located within 100 feet of the clubhouse. A paved two-lane access road is to connect the parking area and public street or road;
 - (3) No more than one sign advertising a golf course may be maintained or erected.
- (c) No building, other than a building used for cemetery purposes, shall exceed a height of thirty-six (36) feet in the "G" District.
- (d) Communications structures, including relay towers, antennas and reception dishes, shall be located so as not to be highly visible from any public street and shall be located no closer than 1,000 feet from any Residential District. Such structures shall be no higher than 36 feet from the ground if freestanding and no higher than 15 feet above the roof top if placed on a building.
- (e) Buffering Regulations. A crematorium shall be located such that the retort vents are no closer than 650 feet to the nearest residence and shall be sited, using topography and landscaping, so that the retort vents and delivery entrance cannot be seen from any public right-of-way. If the building can be seen from any public right-of-way, crematoriums shall be incorporated into the design of buildings such as chapels and mausoleums so that the cremation aspect is not apparent. Any crematorium existing prior to the effective date of this ordinance may be maintained and its equipment upgraded provided no retorts are added and the proposed work does not result in greater visibility, from any public right-of-way, of the existing retort vent(s) and delivery entrance.

[History: formerly § 5.330, ORD. 234, 3/14/79; ORD. 5/10/95; ORD. 325, 11/13/85; ORD. 520, 12/10/97; ORD. 638, 12/14/05]

5.03.250 Restrictions Applicable to "R" Zone.

- (a) All land within the "R" Zone, except as provided in subparagraph (5) below, shall be subject to the following area requirements:
 - (1) The front yard shall have a depth of not less than fifteen (15) feet from property line to front line of the building;

(2) The side yard shall be not less than 10 per cent of the width of the lot or 10 feet, whichever is the lesser;

(3) The rear yard shall be not less than 25 per cent of the total area of the lot, but such rear yard need not exceed 25 feet; save and except any "R" Zone located in that portion of Colma bounded by F Street, Hillside Boulevard, El Camino Real, and the northern boundary of the Town of Colma, in which area the rear yard shall have a depth of not less than 15 feet from property line to rear line of the building with respect to the first story of the building, and a depth of not less than 25 feet from property line to the rear line of any portion of the building above the first story. The one-story portion of a building which extends less than 25 feet from the rear property line shall have a pitched roof, and the space above the roof shall not be used for a roof deck, balcony or other similar purpose.

(4) Every lot shall have a minimum average width of 33-1/3 feet and a depth of not less than 100 feet.

(5) Notwithstanding the setback requirements of subparagraphs (1), (2), and (3) above, the distance between the vehicle entry of any covered parking structure to the property line shall be not less than 19 feet.

(6) Notwithstanding the area requirements of subparagraphs (1), (2), (3) and (4) above, the City Council may waive one or more of the area requirements upon finding all of the following:

- (A) That there be two or more dwellings constructed prior to January 1, 1990 on a single parcel without common walls;
- (B) That it would be beneficial to the neighborhood to have each dwelling on a separate parcel;
- (C) That the parcel cannot be reasonably divided and still meet all of the foregoing area requirements; and
- (D) That the waiver will not tend to increase the density of use.

(b) The minimum number of off-street parking spaces as defined in section 5.01.080 shall be as hereinafter set forth:

(1) For all units constructed after March 1, 1988 off-street parking spaces shall be as set forth in the following table:

Residence Type	Spaces Required		Total
	Covered	Uncovered	
Single Family Dwelling:			

Up to 4 Bedrooms	2		2
Over 4 Bedrooms: add .5 covered for each additional bedroom			
Multiple Units:			
Studio	1	.5	1.5
1 Bedroom	1	.5	1.5
2-4 Bedrooms	1	1	2
Over 4 Bedrooms add .5 covered or uncovered For each additional bedroom			

(2) Additions and Remodeling of Residential Structures. Residential structures existing prior to March 1, 1988, or for which a use permit was issued prior to March 1, 1988, complying with previous law which required only 1 covered parking space for a single-family dwelling or for a multiple dwelling unit having 0 or 1 bedrooms, and 1.5 covered parking spaces for each multiple dwelling unit having 2 or more bedrooms, shall not be required to provide additional parking in compliance with the standards of Section (1) above because of repair, restoration, additions, or remodeling of such units except as follows:

- (A) If additional bedrooms are added to such existing dwelling units, additional parking must be added at the rate of one-half ($\frac{1}{2}$) space per bedroom for each bedroom exceeding the total, existing and added, of 4 bedrooms. The additional parking required may be uncovered.
- (B) Additional units may be added to an existing structure provided off-street parking is added to meet the minimum standards for the new unit.

(3) Tandem parking is permitted provided tandem spaces are solely for the use of an individual unit. Tandem parking is not permitted where such spaces are required for two or more separate units.

(4) A bedroom for the purposes of these requirements is a room used as a bedroom or designed to be used as a bedroom. In the event of a dispute as to whether or not a room is a bedroom, determination shall be made by the City Planner based on the foregoing standard.

(5) If the total number of parking spaces required includes a fraction, the requirement shall be the next full number. For example, if the requirement is 4.5 spaces, 5 spaces shall be required.

(6) For all single-family residential units constructed, replaced or to which a second story is added after October 8, 2003, the covered parking spaces required by this

section 5.03.250 must be enclosed by walls and a lockable vehicle entry door, and must meet the following minimum dimensions, excluding areas designed or used for stairs, utility closets, and major appliances:

- (A) Eleven feet (11') wide and twenty feet (20') long, where one covered parking space is required;
 - (B) Twenty feet (20') wide and twenty feet (20') long, where two covered parking spaces is required.
- (c) No building may exceed a height of thirty-six (36) feet in the "R" district.
- (d) All buildings must be built to the specifications of the Uniform Building Code or with respect to a mobile home containing exclusively a single dwelling unit; be built to the Federal Department of Housing and Urban Development construction standards, on a permanent foundation system, pursuant to section 18551 of the Health and Safety Code of California.
- (e) All single-family dwellings shall be subject to the following restrictions:
- (1) They shall have a minimum width of 20 feet as measured by the narrowest elevation;
 - (2) They shall not have siding which is highly reflective;
 - (3) They shall not have finished roofing material which is highly reflective except for the employment of solar energy devices;
 - (4) Exterior covering material shall extend to finish grade; except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;
 - (5) Shall have a roof with a pitch not less than two inch vertical rise for each twelve inches of horizontal run, unless, upon application to the City Planner, the City Planner finds that a flatter roof style would be compatible with the surrounding neighborhood;
 - (6) They shall have screening provided for all mechanical and electrical equipment so that such equipment is not visible from the public right-of-way. For roof and wall-mounted equipment, the screening shall be an integral part of the building design. They shall not use screening material which is highly reflective or incompatible with siding material.
- (f) Communications structures shall not be allowed in any Residential District.
- (g) A second dwelling unit shall be permitted in the "R" zone, subject to the standards and restrictions set forth elsewhere in this Zoning Code.

[History: formerly § 5.331, ORD. 234, 3/14/79; ORD. 298, 6/13/84; ORD. 280, 1/12/83; ORD. 304, 10/10/84; ORD. 309, 2/13/85; ORD. 319, 5/8/85; ORD. 367, 4/13/88; ORD. 404, 11/08/89; ORD. 463, 11/10/93; ORD. 480, 5/10/95; ORD. 600, 6/25/03; ORD. 608, 12/10/03; ORD. 638, 12/14/05]

5.03.260 Restrictions Applicable to the "R-S" Zone.

- (a) All land within the "R-S" Zone shall be subject to the following development standards:
- (1) Front yards must have a depth of not less than fifteen (15) feet from the front property line to the front face of the dwelling, nor less than nineteen (19) feet from the front property line to the front face of the garage. Corner lots shall be considered to have a front yard bordering each street.
 - (2) Side yards must not be less than ten percent (10%) of the lot width or ten feet (10'), whichever is less. No mechanical equipment, chimneys or above-ground stairs may project into required side yards. Stairs at grade and ground level decks are excepted.
 - (3) Rear yards must not be less than twenty-five feet (25') from the rear property line to any two story portion of the dwelling nor less than fifteen feet (15') to any one story portion of the dwelling. Any one story portion of a dwelling which extends less than twenty-five feet (25') from the rear property line must have a pitched roof, and the space above the roof must not be used for a roof deck, balcony or other similar purpose.
 - (4) Every lot must have a minimum average width of 33.33 feet and a minimum average depth of not less than 100 feet.
 - (5) Notwithstanding the requirements of subparagraphs (1), (2), (3) and (4) above, the City Council may waive one or more of the area requirements upon finding all of the following:
 - (A) That there are two or more dwellings constructed prior to January 1, 1990 on a single parcel without common walls;
 - (B) That it would be beneficial to the neighborhood to have each dwelling on a single parcel;
 - (C) That the parcel cannot be reasonably divided and still meet all of the foregoing requirements; and
 - (D) That the waiver will not tend to increase the density of use.
- (b) The minimum number of off-street parking spaces, as defined in Section 5.01.080, shall be as hereinafter set forth:

(1) For all units constructed or replaced after March 1, 1988, off-street parking must be provided as set forth in the table:

Residence Type	Spaces Required		Total
	Covered	Uncovered	
Single Family Detached: (Over 4 bedrooms add 0.5 spaces for each bedroom)	2		2
Legal Second Units:			
Studio			
One Bedroom			
Multiple Units:			
Studio	1	.5	1.5
1 Bedroom	1	.5	1.5

(2) For all residential structures existing prior to March 1, 1988, or for which a Use Permit was issued prior to March 1, 1988, complying with previous law which required only one (1) covered space for a single family dwelling or for a multiple dwelling having no more than one bedroom, and 1.5 covered parking spaces for each multiple dwelling having two (2) or more bedrooms, owners are not required to provide additional parking because of repair, restoration, remodeling or additions to such units except as follows:

(A) If additional bedrooms are added to an existing single family dwelling the number of off-street parking spaces must be increased by 0.5 covered or uncovered spaces for each bedroom exceeding the total, existing and added, of four (4) bedrooms.

(3) Tandem parking is not permitted for new single family detached dwellings; tandem parking is only permitted for dwellings where tandem parking existed prior to the effective date of this ordinance.

(4) A bedroom for purposes of these requirements is a room used as a bedroom or designed to be used as a bedroom. In the event of a dispute as to whether or not a room is a bedroom, determination shall be made by the City Planner based on the foregoing standard.

(5) If the total number of parking spaces required includes a fraction, the requirements shall be the next full number.

(6) For all single-family residential units constructed, replaced or to which a second story is added after October 8, 2003, the covered parking spaces required by this section 5.03.250 must be enclosed by walls and a lockable vehicle entry door, and must

meet the following minimum dimensions, excluding areas designed or used for stairs, utility closets, and major appliances:

- (A) Eleven feet (11') wide and twenty feet (20') long, where one covered parking space is required;
- (B) Twenty feet (20') wide and twenty feet (20') long, where two covered parking spaces is required.

(c) No buildings may exceed a height of twenty-seven feet (27') measured from the finished grade at the perimeter of the building to the highest point of the roof line.

(d) Buildings constructed or substantially remodeled after the effective date of this ordinance must incorporate the following design standards:

- (1) Buildings must be designed to feature a one-story front facade at the front yard setback;
- (2) Any existing second unit must be clearly subordinate to the principal unit and must not have its front door facing the street;
- (3) Exterior building walls must be well articulated with windows, doors, balconies, bays, exposed beams, overhangs and similar features; trim and moldings must be utilized to accentuate rooflines and wall openings;
- (4) All roofs must have a pitch not less than two inch vertical rise for each twelve inches of horizontal run. This shall not apply to existing buildings where the roof is not being remodeled;
- (5) All mechanical and electrical equipment must be located so as not to be visible from the public right-of-way;
- (6) At least sixty percent (60%) of the front setback area must be devoted to landscaping; front yard areas, other than driveway aprons, must not be used for storage of motor vehicles.

(e) All land in the "R-S" District shall comply with the following standards:

- (1) Provision must be made for storage of trash receptacles so they are not visible from the public right-of-way.
- (2) Front yard areas must never be used for storage.

[History: formerly § 5.331.1, ORD. 304, 10/10/84; ORD. 536, 7/8/98; ORD. 608, 12/10/03; ORD. 638, 12/14/05]

5.03.270 Second Dwelling Units.

Second Dwelling units shall be permitted in any residential zone except the R-S zone, subject to the following.

(a) *Standards.* A second dwelling unit permit will be issued only if the unit complies with the following standards:

- (1) Size: A Second Dwelling Unit may not be smaller than 150 square feet nor larger than 300 square feet and may not contain more than one (1) bedroom.
- (2) Setbacks from property lines shall be provided in conformance with Section 5.03.250(a).
- (3) A minimum of one off-street parking space is required in addition to the parking requirement in section 5.03.250 (b), and may be located in the front setback area and in tandem with other required off-street spaces.
- (4) Maximum building height shall be as specified in Section 5.03.250 (c).
- (5) Design shall be consistent with the standards set forth in Section 5.03.250 (e), except that the minimum width shall be twelve feet.
- (6) A front door entrance shall be provided separate and distinct from the primary dwelling unit.
- (7) A separate utility meter shall be provided.
- (8) The primary residence or the second dwelling unit must be occupied by the owner of record of the property;
- (9) A permanent foundation shall be required for all Second Dwelling Units.
- (10) There shall be only one second dwelling unit on any individual property.

(b) *Permitting Procedures for Second Dwelling Units.* Any application for a second dwelling unit permit shall be submitted to the Planning Department for verification that the proposal meets the standards set forth in Section 5.03.250 (a). Upon finding that the standards are met, the proposal shall be approved ministerially without discretionary review or public hearing and the applicant may proceed to acquire a Building Permit.

(c) *Deed Restrictions Applicable to Second Dwelling Units.* Neither a Building Permit nor a Certificate of Occupancy may be issued for a second dwelling unit unless and until the property owner has filed with the County Recorder an Agreement of Restriction, which has been approved by the City Attorney as to form and content, containing a reference to the deed under which the property was acquired by the owner and stating the following:

- (1) The second dwelling unit shall not be sold separately from any part of the property on which it is located;
- (2) The second dwelling unit is restricted to the standards specified in Colma Municipal Code Section 5.03.270;
- (3) The second dwelling unit shall be considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of record of the property;
- (4) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

[History: formerly § 5.331.2; ORD. 600, 6/25/03; ORD. 638, 12/14/05]

5.03.280 Regulation of Multi-Family Uses in Single-Family Residential Zones

(a) *Purpose.* The purpose of this Chapter is to preserve the residential character of neighborhoods in single-family residential zones by prohibiting the operation of boarding houses and rooming houses. This Chapter is directed at the commercial use of property that is inconsistent with the residential character of the neighborhoods in single-family residential zones and not the identity of the users.

(b) *Prohibition of Boarding Houses or Rooming Houses in Single-Family Residential Zones.* The operation of a boarding house or rooming house is prohibited in all single-family residential zones.

(c) *Permitted Use.* The renting of not more than two (2) rooms in a dwelling unit to individuals under separate rental agreements or leases is permitted by right as an accessory use in all residential districts, provided that:

- (1) The rental of rooms is for periods of at least fourteen (14) days; and
- (2) The rooms which are rented are fully integrated within the dwelling unit such that the rented rooms:
 - (A) Have interior access to the rest of the dwelling unit;
 - (B) Do not have separate cooking facilities; and
 - (C) Do not have separate street addresses assigned to such rooms(s).
- (3) All requirements for off-street parking are met.

(d) Notwithstanding anything to the contrary herein, this section does not permit a commercial use in a residential district unless such a use is specified in the regulations for the district.

(e) *Violations.* Violations of this ordinance are declared to be a public nuisance. Each violation is subject to the penalties set forth in Subchapter Five of Chapter One of the Colma Municipal Code.

[*History:* formerly § 5.331.3; ORD. 628, 5/11/05; ORD. 638, 12/14/05]

5.03.290 Restrictions Applicable to "C" Zone.

(a) All residential use within the "C" Zone shall be subject to the same requirements as is applicable to residential use in the "R" Zone, as set forth in section 5.03.250 above.

(b) Commercial establishment uses and light industrial uses shall be subject to the following requirements:

(1) **Area:** Each lot shall have a minimum average width of 33-1/3 feet and a depth of not less than 100 feet;

(2) **Setbacks:** The front yard shall have a depth of not less than five (5) feet from property line to front line of the building; the side yards shall not be less than five (5) feet wide; the rear yard shall not be less than five (5) feet deep.

(3) Not more than 50 per cent of any building site shall be covered by buildings.

(4) **Parking:** For each commercial or light industrial use, the user must provide and maintain facilities for parking, loading and unloading. The minimum number of off-street parking spaces (as defined in section 5.01.080) for each use shall be as set forth in the following list. If a building or site is used by more than one user, each unit of the building or site being used by a separate user must comply with the minimum parking requirements herein, even if the use is the same in the different units. The minimum parking requirements are:

(A) **Retail Stores:** one (1) parking space for each one hundred (100) square feet of sales floor area, but in no case less than one (1) parking space for each two hundred (200) square feet of gross floor area;

(B) **Banks and Office Buildings:** one (1) parking space for each three hundred (300) square feet of floor area;

(C) **Restaurants and Bars:** one (1) parking space for each four (4) seats or stools;

(D) **Theaters:** one (1) parking space for each (5) seats;

(E) Cardroom: a minimum of one (1) specified truck loading and unloading space for overall service to the cardroom facility, one (1) truck loading and unloading space for vehicles involved in secure money shipment, one (1) standard parking space with wheel stop for each employee in the cardroom shift with the largest number of employees, eight (8) standard parking spaces with wheel stops for each gaming table, and one (1) standard parking space with wheel stops for each four (4) seats or stools in restaurant and bar facilities. All parking shall be designed for self-parking with the exception that up to fifty percent (50%) of the gaming table parking may be valet parking. With respect to valet parking, tandem parking and compact parking space dimensions may be utilized and wheel stops may be eliminated.

(F) Vehicular Repair and Service Uses:

(i) For each building constructed after March 14, 1997, off-street parking spaces shall be provided to meet the following standards:

One (1) off-street parking space for each two hundred (200) square feet of gross building area but, in all cases, a minimum of five (5) regular off-street parking spaces. Off-street parking for service and repair facilities must be designed so that vehicles are not required to back directly onto a public street but are able to turn around and enter the public right-of-way while moving forward.

(ii) For buildings existing on March 14, 1997, the floor area thereof may not be expanded and a change in use may not be permitted unless off-street parking is provided for the expanded or changed areas in accordance with the provisions of section 5.03.290.

(iii) Existing buildings not occupied by a permitted use on March 14, 1997, shall not be utilized for vehicular repair and service uses unless off-street parking is provided in accordance with Section (A) above.

(G) Mixed Office and Warehouse Uses:

(i) For all buildings constructed after March 14, 1997, off-street parking spaces shall be provided to meet the following standards:

(1) One (1) off-street parking space for each three hundred (300) square feet of office space; plus

(2) one (1) off-street parking space for each four hundred (400) square feet of warehouse space in each unit having up to 4,800 square feet of warehouse space; plus

(3) one (1) off-street parking space for each one thousand (1,000) square feet of warehouse space in each unit having in excess of 4,800 square feet but less than 10,000 square feet of warehouse space; plus

(4) one (1) off-street parking space for each two thousand (2,000) square feet of warehouse space in each unit having in excess of 10,000 square feet of warehouse space.

(ii) For buildings existing on March 14, 1997, the floor area thereof may not be expanded and a change in use may not be permitted unless off-street parking for the expanded or changed areas is provided in accordance with the provisions of section 5.03.290.

(H) All other uses: minimum of one (1) parking space for each five (5) regular employees but, in any case, not less than one (1) space for each two thousand (2,000) square feet of floor area, or fraction thereof.

(5) Height: The maximum height of any building shall be forty (40) feet.

(6) Design: The design of any building shall be subject to approval by the City Council which shall consider the height, design and use of such building in relation to the height, design and use of buildings in the surrounding area.

(7) Landscaping: Within the required setback area from streets there shall be maintained on each site only paved parking spaces, paved walks, paved driveways, lawns and landscaping; and the surface of so much of the remainder of each site as is not covered by buildings, by lawns, or by landscaping shall be treated so as to be dust free. The City Council may require, as a condition of the Use Permit, that all or a portion of the setback area be maintained in lawns or landscaping.

(c) *Commercial Centers: A commercial center shall be subject to the following requirements:*

(1) Area: The building site of a commercial center shall be one-half acre or more.

(2) Setbacks: No building shall be located less than twenty (20) feet from any property line to any portion of the building.

(3) Parking: In any commercial center, the minimum amount of off-street parking shall be such that the ratio of parking spaces to gross leasable area in the shopping center shall be five (5) parking spaces as defined in section 5.01.080 for each one thousand (1,000) square feet of gross leasable area, as herein defined:

(A) For the purpose of this section, gross leasable area (GLA) shall mean the total floor area designed for tenant occupancy, including basements,

mezzanines and upper floors. Area is measured from the center line of interior partitions and the outside face of exterior walls. GLA excludes common areas which are not set aside for occupancy and exclusive use of a commercial establishment within the shopping center, such as public toilets, truck and service facilities and malls;

- (B) Exception for gasoline service stations. Gasoline service stations and the area delineated on the shopping center site plan for their use shall have no off-street parking requirements.

(4) Height: The maximum height of any building shall be forty (40) feet.

(5) Design: The design of any building in a commercial center shall be subject to approval of the City Council, which shall consider the height, design and use of such building in relation to the height, design and use of buildings in the surrounding area.

(6) Construction: No building shall have exterior walls constructed other than of tilt-up concrete or equal material, nor shall more than fifty per cent of the area of any building site be covered by buildings.

(7) Landscaping: Within the required setback area from streets there shall be maintained on each site only paved parking spaces, paved walks, paved driveways, lawns and landscaping; and the surface of so much of the remainder of each as is not covered by buildings, by lawns, or by landscaping shall be treated so as to be dust free. The City Council may require, as a condition of the Use Permit, that all or a portion of the setback area be maintained in lawns or landscaping.

(d) Communications structures, including relay towers, antennas and reception dishes, shall be located so as not to be highly visible from any public street and shall be located no closer than 1,000 feet from any Residential District. Such structures shall be no higher than 40 feet from the ground if freestanding and no higher than 15 feet above the roof top if placed on a building.

[History: formerly § 5.332; ORD. 234, 3/14/79; ORD. 319, 5/08/85; ORD. 467, 6/8/94; ORD. 480, 5/10/95; ORD. 505, 2/19/97; ORD. 638, 12/14/05]

5.03.300 Restrictions and Procedures Applicable to the "DR" Design Review Zone.

(a) *Applicability.* The requirements of this section shall apply to all site, landscape and building plans within the area described in Section 5.03.040(d) with the following exceptions:

- (1) Additions to existing buildings where the addition, if it were to conform to the DR standards, would clash with an established architectural theme.

(2) Construction of secondary or accessory structures on parcels with existing buildings where the new building plans, were they to conform to the DR standards, would clash with existing improvements having recognized historical or architectural merit.

(3) Construction of new buildings on cemetery grounds with a G base zone, where the new site and building plans, were they to conform to the DR standards, would clash with existing improvements having recognized historical or architectural merit.

(b) *DR Design Standards.* All plans for development in the DR zone shall incorporate building, site and landscape design elements representing the Spanish/Mediterranean style as defined in the following subsections.

(1) **Building Design Elements.** Principal structures and secondary structures such as, storage buildings and trash enclosures must be architecturally consistent. The following design elements must be present in all buildings:

- (A) Buildings shall incorporate simple, stepped massing, highlighted with towers, cupolas and varied chimney forms. Flat walls shall be minimized by interruptions using balconies, patios, shed roof elements, clerestory windows, gable end or trellis arcades and colonnades of stylized columns or arches.
- (B) Roofs shall be low pitched gable and shed roof types with terra-cotta or similar colored real, individual Spanish barrel tile. No manufactured tile or sheets of tile may be used. All flat roof areas shall be surrounded by a parapet wall and must not be located where they can be viewed from adjacent buildings or property. Parapet walls shall be of such height that will completely screen all rooftop equipment.
- (C) Wall surfaces shall be composed primarily of stucco and must be articulated by use of columns, piers and pilasters. Window and door openings shall be varied in size and articulated by use of deep reveals, exposed lintels and sills, iron grillwork and faux balconies. Arched openings are encouraged.
- (D) Door and window openings shall be designed to convey the thickness of masonry construction by recessing the doors and windows and using ornamental surrounds. Ornamentation may consist of stucco moldings, bands of tile or other framing. Glass areas must be broken up by mullions. Operable casement or double hung windows are encouraged. Windows can be covered externally with appropriately designed grilles integral to the surface of the building.

(2) **Site and Landscape Design Elements.** The following elements must be present in the site and landscape designs:

- (A) Site plan and landscape design must appropriately integrate and conceal utility vaults, back flow prevention devices, trash dumpsters and other accessory elements that may not be compatible with the Spanish-Mediterranean theme.
- (B) A formal balanced planting layout shall be achieved by using elements such as landscape entry features, tree lined walks and drives, and boundary tree rows. Formal placement of trees in courts, pavilions and parking lots can significantly enhance the character of these public and private areas. Use of accent features such as brightly colored flowers and palm trees is encouraged.
- (C) Landscape design shall incorporate features such as arbors, trellises, fountains, walks, pavilions, curbs, light standards, benches, sculpture, enhanced pavement (materials, textures and patterns), garden walls (free standing and retaining), wood fences and gates, ironwork gates and railings, planting pots and urns in order to integrate the Spanish/Mediterranean design theme throughout the overall project design.

(c) *Additional Design Standards for Automobile Dealerships.* Due to the unique nature of automobile sales where the primary display of merchandise offered for sale is located outside, the following additional design provisions shall apply:

(1) Concrete pads or ramps for the prominent display of vehicles are allowed within the area between the front of the building and the street, provided that a minimum of 7' of landscaping is maintained between the back of the sidewalk and the paved area. The height of any display pad shall not exceed 18 inches above grade. Configuration and design of the structures are subject to review and approval by the City Planner prior to installation. Landscaping may be required to include low shrubs or trees. Drainage and other design features may require review and approval by the City Engineer.

(2) Scissor ramps may be used to elevate cars above grade but only if the base of the ramp is elevated no more than 48 inches above the prevailing parking elevation. An exception can be made by the City Planner to accommodate unique topographic differences.

(3) Tent Structures are allowed, subject to the following design standards. All Tent Structures are considered structures and therefore may only be installed pursuant to a valid Building Permit.

- (A) Tents shall be located only on paved areas and not on approved landscaping. Tents shall not block any access aisles or fire lanes. A total of three tents per property are permitted at any given time, not to exceed 400 square feet each (1,200 square feet total). Exceptions may be granted by the City Planner for infrequent special events.

- (B) Tents shall be made of high quality fire retardant materials, and must be in colors which are consistent with color that matches the principal building on the site or approved signage on the property. Tents shall be securely fastened according to accepted engineering practices.

(d) *Design Review Procedure and Approval.* No grading or building permit shall be issued until design plans have been reviewed and approved. Plans shall be submitted to the City Planner for review and approval according to the following procedures:

(1) City Council Approval. Whenever the project requires approval of a Use Permit, Subdivision Map, Planned Unit Development, or other action by the City Council, then the City Council shall also, at that time, make the determination to approve the design in accordance with this ordinance. Determinations made by the City Council may be reconsidered in accordance with the procedure set forth at Section 5.03.420.

(2) Appeal. A determination by the City Planner with respect to the Colma Design Review Ordinance may be appealed by any interested party to the City Council in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code.

(3) Approval Criteria. In considering the approval of a design the City Council or City Planner, as appropriate, shall make the following findings:

- (A) That the architectural, site and landscape design of the proposed project incorporates design elements adopted for the DR zone.
- (B) That the architectural, site and landscape design substantially reflects the intent of the DR zone to achieve a consistent site, landscape and building design theme for the Town of Colma.

(4) Design Review fees shall be established from time to time by the City Council of the Town of Colma by resolution. [Ord. 524, 1/14/1998]

[History: formerly § 5.333, ORD. 467, 6/8/94; ORD. 500, 10/9/96; ORD. 521, 12/10/97; ORD. 524, 1/14/98; Ord. 551, 4/14/1999; ORD. 638, 12/14/05]

5.03.310 Restrictions Applicable to "P" Zone.

There shall be no restrictions on buildings or use within the "P" Zone, except that it is the policy of the City that any use in the "P" Zone shall be consistent with the other uses in the City.

[History: formerly § 5.334; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.320 Restriction Applicable to "F" Zone.

(a) No person may erect, construct, enlarge or improve any building or structure in the "F" Zone, or permit the same to be done, unless the building or structure complies with each of the following requirements:

(1) The first-floor elevation (to include basement) of any new residential structures shall be elevated to or above the 100-year flood elevation;

(2) The first-floor elevation (to include basement) of non-residential structures shall be elevated to or above the 100-year flood elevation;

(3) Only construction materials and utility equipment that are resistant to flood damage may be used at or below the 100 year flood elevation;

(4) Only construction methods and practices that will minimize flood damage may be used;

(5) Each building or structure must be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding;

(6) In regard to mobile homes:

(A) Over-the-top ties must be provided at each of the four corners of the mobile home with two (2) additional ties per side at the intermediate locations, and mobile homes less than fifty (50) feet long requiring one (1) additional tie per side;

(B) Frame ties must be provided at each corner of the home with five (5) additional ties per side at intermediate points, and mobile homes less than fifty (50) feet long requiring four (4) additional ties per side;

(C) All components of the anchoring system must be capable of carrying a force of 4,800 pounds;

(D) Any additions to mobile homes must be similarly anchored.

(b) The term "100-year flood elevation" means the elevation which is determined by the City Engineer to have a one per cent chance of flooding in any given year.

[History: formerly § 5.335; ORD. 290, 08/10/83; ORD. 638, 12/14/05]

5.03.330 Restrictions Applicable to "E" Zone.

(a) All uses in the "E" Zone shall be subject to the following requirements:

- (1) Area: Each lot shall have a minimum average width of 33-1/3 feet and a depth not less than 100 feet.
- (2) Setbacks: The front yard shall have a depth of not less than five (5) feet from property line to the front line of any building except that any yard facing El Camino Real shall be thirty (30) feet; the side yards shall not be less than five (5) feet wide; the rear yard shall not be less than five (5) feet deep.
- (3) Site Coverage: Not more than fifty (50%) per cent of any building site shall be covered by buildings.
- (4) Parking: There shall be maintained on each building site facilities for parking, loading, and unloading; provided, however, that off-street parking shall in no event be less than the following standards:
 - (A) Retail Stores: one (1) parking space for each one hundred (100) square feet of sales floor area, but in no case less than one (1) space for each two hundred (200) square feet of gross floor area;
 - (B) Professional Business and Medical Service Offices: one (1) parking space for each three hundred (300) square feet of gross floor area;
 - (C) Restaurants: One (1) parking space for each four (4) seats for seating other than private banquet facilities; and with respect to private banquet facilities such additional parking as may be appropriate considering the size of the facility, the reasonably anticipated utilization of the banquet facility, and the availability of adjacent parking; provided, however, that the amount of parking required for banquet facilities shall be no greater than one (1) parking space for each four (4) seats.
 - (D) All other uses: minimum of one (1) space for each five (5) regular employees but, in any case, not less than one (1) space for each two thousand (2,000) square feet of gross floor area, or fraction thereof.
- (5) Height: The maximum height of any building shall be thirty-six (36) feet.
- (6) Design: The design of any building shall be subject to approval by the City Council who shall consider the height, design and use of such building in relation to the height, design and use of buildings in the surrounding area.
- (7) Landscaping: Within the required setback area from El Camino Real there shall be maintained only paved walks, paved walks, paved driveways, lawns and landscaping. The landscaping shall be consistent with landscaping in the surrounding area, and shall screen parking areas from passerby on the adjacent street. The City Council may require, as a condition of any Use Permit, that all or a portion of the setback area be maintained as lawns or landscaping.

- (8) Parking shall be placed behind buildings or well screened by landscaping.
- (9) Any roll-up doors and loading areas shall be located so as not to face public roads.

[History: formerly § 5.335.1; ORD. 321, 7/10/85; ORD. 372, 7/13/88; ORD. 638, 12/14/05]

5.03.340 Restrictions Applicable to "T" Zone.

- (a) No person may erect, construct, enlarge or improve any public or private transit building or transit structure in the "T" Zone, or permit the same to be done, unless such building or structure is underground and covered with soil so as to make its location indistinguishable from adjacent terrain.
- (b) Notwithstanding the foregoing, nothing herein contained shall limit the establishment and maintenance of landscaping, fences, roads, surface parking facilities, or similar improvements in said zone.
- (c) Notwithstanding the foregoing, the portion of a parcel containing a "T" zone shall be included in determining land to building ratios, set-backs, minimum lot size, and similar zoning requirements.
- (d) Buildings and structures may be developed in the "T" Zone, subject to a Use Permit, provided the building or structure is supported on a foundation system that will not prevent the development of covered, underground public or private transit facilities at that location.

[History: formerly § 5.335.2; ORD. 374, 09/14/88; ORD. 460, 11/10/93; ORD. 638, 12/14/05]

5.03.350 Restrictions Applicable to All Zones.

- (a) There shall not be permitted any use which may be determined by the City Council to be obnoxious or offensive because of the presence or emission of odor, fumes, dust, gas, smoke, noise, bright lights, vibrations, pollution, detrimental sewer wastes, or have a detrimental effect on permissible adjacent uses, or will be hazardous by reason of danger of fire or explosion.
- (b) In each zone there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased in capacity, sufficient off-street parking accommodations with adequate provisions for ingress and egress by standard size automobiles. Parking access-ways, parking spaces and fire lanes shall all meet the minimum standards provided in Section 5.01.080 (Definitions) above.
- (c) The following uses are prohibited in all districts: amusement parks or centers, circuses, carnivals, outdoor theaters, race tracks, commercial recreation centers, stockyards, the slaughtering of animals, and medical marijuana dispensaries.

(d) Definition of "self-storage mini-warehouse": a structure containing more than five (5) individually locked rooms or compartments, each of which rooms or compartments are available for rent to the general public on a daily, weekly, monthly or other periodic basis for the purpose of storing chattel or personal property, where the property stored in the rooms or compartments is loaded and removed by the renter of the compartment, rather than by the owner of the self-storage mini-warehouse or his agent. "Self-storage mini-warehouse" does not include storage space made available on a rental basis to renters of apartments or owners of condominiums on the premises which contains the condominium or apartment building.

(e) No person shall install, construct or maintain a fence or hedge on any property in the Town of Colma except in compliance with the following:

(1) General fence and hedge limitations:

- (A) If cyclone fencing is used, it must be black vinyl clad with black painted posts and supports.
- (B) Fences shall be maintained in good repair and condition.
- (C) Hedge height limits in this section do not apply to taller landscaping planted immediately adjacent to building walls. Free standing trees are encouraged in all yard areas.
- (D) Fences with razor wire are not permitted in the Town of Colma.
- (E) For corner lots, a vision triangle of 35' shall be maintained to insure safe visibility for motorists. The vision triangle shall be created by measuring along the curb line 35' in each direction from the street corner, with the endpoints connected across the lot. Within the vision triangle, no fencing or vegetation shall exceed three (3) feet in height and all tree canopies must be kept seven (7) or more feet above grade.
- (F) Any unimproved right-of-way (the area between the back of sidewalk and the front property line of any property) may contain landscape planting, irrigation and fencing.
- (G) The height of a fence shall be measured as the higher of the two sides of the fence.

(2) Fence and hedge limitations in all Residential Zones:

- (A) No fence or hedge in excess of four (4) feet in height is allowed between the back of the sidewalk and front wall of any residence. An exception is permitted for a single, freestanding trellis structure not exceeding eight (8) feet in height, five (5) feet in width, and five (5) feet in depth. An exception may be granted by the City Planner through the Design Review

Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.

- (B) No fence or hedge in excess of six (6) feet in height is allowed from the front face of the residence to the rear property line. An exception may be granted by the City Planner through the Design Review Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.
 - (C) No barbed wire shall be permitted in a residential zone.
- (3) Fence and hedge limitations for Non-Residential Zones:
- (A) No fence or hedge in excess of four (4) feet in height is allowed between the back of the sidewalk and a parallel line set back thirty (30) feet from the front property line. An exception may be granted by the City Planner through the Design Review Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.
 - (B) No fence or hedge in excess of eight (8) feet in height is allowed from the thirty (30) foot setback line to the rear of the property. An exception may be granted by the City Planner through the Design Review Process if required for security, pedestrian safety, to screen out undesirable views, or for other aesthetic reasons.
 - (C) No barbed wire shall be permitted in front of the thirty (30) foot setback line. An exception may be granted by the City Planner through the Design Review Process if required for security.
- (4) Prior constructing or installing a fence in excess of six feet in height, retaining wall exceeding two (2) feet in height, masonry wall, or any improvement located in the public right-of-way, owners and occupants should consult with the Building Official or City Engineer to determine if a building permit and/or encroachment permit is needed.

[History: formerly § 5.336, ORD. 234, 03/14/79; ORD. 313, 02/13/85; ORD. 550, 4/14/1999; ORD. 638, 12/14/05, ORD 662, 9/12/07]

5.03.360 Restrictions and Landscaping Along El Camino Real.

- (a) No building shall be located less than thirty (30) feet from any portion of El Camino Real to any portion of the building.
- (b) Within the required setback from El Camino Real there shall be maintained only paved walks, paved driveways, lawns and landscaping. The landscaping shall be consistent with landscaping in the surrounding areas, and shall screen parking areas from passersby on El

Camino Real. The City Council may, as a condition of any Use Permit, require a landscaping plan for the area within the required setback.

(c) The restrictions apply to property adjacent to El Camino Real the entire length of said street from the northern boundary of Colma to the Mission Road junction.

[N.B. Section 2 of Ordinance No. 270 (effective 7/9/82) provided as follows: "The requirements of this section shall not be construed to require the removal or other changes or alteration of any structure not conforming thereto as of the effective date hereof or otherwise interfere with the continuance of any non-conforming use; but shall apply to any replacement, addition, or substantial alteration of any such non-conforming structure."]

[History: formerly § 5.336.1; ORD. 270, 6/09/82; ORD. 638, 12/14/05]

5.03.370 Restrictions Applicable to Mobile Homes, Recreational Vehicles and Commercial Coaches.

Mobile homes, recreational vehicles and commercial coaches as defined in the Health and Safety Code of the State of California shall not be occupied in the Town of Colma except as follows:

(a) For temporary use as a field office or a business office during construction, alteration or repair of a project in the Town of Colma, provided that such use shall cease when the Certificate of Occupancy for such project is issued;

(b) For use as an office in connection with a commercial use, and pursuant to a conditional use permit issued by the City Council under section 18300.1 of the Health and Safety Code of the State of California; or

(c) Use a single-family dwelling where the mobile home complies with all of the restrictions applicable to a "R" Zone, including, but not limited to, the restrictions set forth in section 5.03.250 of the Colma Municipal Code.

[History: formerly § 5.337; ORD. 244, 11/14/79; ORD. 280, 01/12/83; ORD. 638, 12/14/05]

5.03.380 Restrictions Applicable to Dumps.

No person may hereafter use any land in the Town of Colma for disposal of solid wastes, except as follows:

(a) As to any disposal site being operated as a private dump on December 10, 1980, pursuant to a use permit from the Planning Commission of the Town of Colma, the operator of such dump or the owner of the land may use such land for disposal of solid wastes until December 31, 2010, or until termination (other than a revision, modification or amendment of

an existing permit or the replacement of an existing permit with a new and different permit) of the Solid Waste Permit from the State Solid Waste Management Board, whichever date is earlier, as a non-conforming use.

(b) As to any disposal site being operated as a public dump on December 10, 1980 pursuant to a use permit from the Planning Commission of the Town of Colma, the operator of such dump, or the owner of the land, may use such land for disposal of solid wastes until December 31, 1982, or until termination (other than a revision, modification or amendment of an existing permit or the placement of an existing permit with a new and different permit) of the Solid Waste Permit from the State Solid Waste Management Board, whichever date is earlier, as a nonconforming use. The expiration date specified in this subsection (2) shall be extended until December 31, 1983, pursuant to the following procedure:

(1) The operator shall file a written application therefore with the City Clerk after January 1, 1982 and prior to July 1, 1982, specifying the reasons for the application;

(2) The City Council shall conduct a public hearing on said application within sixty (60) days thereafter and shall approve the application upon presentation of substantial evidence by the operator showing that good cause exists for such extension and that such dump is not then being operated in violation of any ordinance, law or regulation.

[History: formerly § 5.338; ORD. 257,2/11/81; ORD. 638, 12/14/05]

5.03.390 Regulations Applicable to RMU Vendors.

(a) *RMUs Prohibited.* It shall be unlawful for any person to operate, allow another to operate, or to permit the operation of an RMU on any public street; on any sidewalk; in any area of doorway or entranceway immediately abutting thereon; on any privately owned land without the permission of the owner or lessee of the property; or on any privately-owned land which is not otherwise in compliance with local zoning and building requirements.

(b) *Zoning Clearance Required.* It shall be unlawful for any person to operate, allow another to operate, or to permit the operation of an RMU on any privately owned property, outside of a building, in the Town of Colma without first obtaining a Zoning Clearance from the City Planner. Application for zoning clearance shall be made to the City Planner and shall include the following:

- (1) Name, address and telephone number of the RMU vendor.
- (2) An accurately drawn plan showing the proposed RMU location.
- (3) A drawing or photograph of the proposed RMU.
- (4) For RMU vendors not affiliated with the owner or lessee:
 - (A) Written permission of the owner or lessee of the property.

- (B) Verification that the vendor's State Equalization number lists the property address as point of sale.
- (C) For RMU vendors operating a food establishment: Verification of Health Department permit.
- (D) A zoning clearance fee, which shall be established from time to time by the City Council of the Town of Colma by resolution.

The City Planner shall coordinate the review of applications for zoning clearance and shall issue a clearance certificate to the applicant upon verification of the application materials, verification that the owner or lessee is operating in conformance with local zoning and building requirements and upon finding that the proposed location and design of the RMU unit will not hinder vehicular or pedestrian movement and will not violate any permit condition of the property owner or lessee.

(c) *Display of Clearance and Health Department Permit.* A countersigned copy of the zoning clearance must be displayed at the RMU. For food establishments, the vendor must display a valid Health Department permit.

(d) *Business License Required.* A separate business license is required for RMU vendors not affiliated with the property owner or lessee.

(e) *Non-transferability.* Zoning clearance shall be limited to a specific vendor and shall not be transferable to any other person or entity.

[History: formerly § 5.339, ORD. 506, 3/12/97; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

5.03.400 Application for Use Permit.

(a) An application for a Use Permit shall be made on the Town of Colma Project Application and shall contain such information as is necessary to complete the Project Application. In addition, the application shall contain sufficient information to enable the City Council to determine whether the standards for granting a Use Permit are met.

(b) The application shall be reviewed by the City Planner for completeness in accordance with section 5.01.040 of this Code.

(c) Within ten days after the City Planner has determined that the application is complete, he shall transmit the same to the City Council with his recommendations. This time limitation is directory, not mandatory.

(d) A public hearing shall be held by the City Council prior to taking any action to grant or deny any Use Permit. The public hearing shall be conducted in accordance with the provisions of section 1.02.120 of this Code. Whenever possible, the public hearing required by this section

shall be held at the same time as, and in conjunction with, the public hearing, if any, on the final EIR for the project for which the Use Permit or Variance is requested.

(e) An application for a Use Permit shall be accompanied by a fee, which shall be established from time to time by the City Council of the Town of Colma by resolution.

[History: formerly § 5.340; ORD. 234, 3/14/79; ORD 443, 9/9/92; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

5.03.410 Standards for Granting Use Permit.

(a) A Use Permit may be granted by the City Council only if:

- (1) The specific proposed use will be consistent with the provisions of the General Plan and this subchapter;
- (2) The granting of the Use Permit will not be detrimental to the public health, safety or public welfare, or materially injurious to properties or improvements in the vicinity;
- (3) Existing property uses, large or small, will not be detrimentally affected by the proposed use;
- (4) The granting of the Use Permit will not constitute a grant of special privilege inconsistent with the limitations imposed by this subchapter on the existing use of properties, large or small, within the Town of Colma;
- (5) The City Council is satisfied that the proposed structure or building conforms to the purposes and intent of the General Plan and this subchapter; and
- (6) The use will not constitute a nuisance as to neighboring persons or properties.

(b) In granting a Use Permit, the City Council may impose such conditions as are deemed necessary and desirable to protect the public health, safety and welfare in accordance with the purposes and intent of the General Plan and this subchapter, provided that no Use Permit may be conditioned upon:

- (1) The dedication of land for any purpose not reasonably related to the use of property for which the Use Permit is requested; or
- (2) The posting of a bond to guarantee installation of public improvements not reasonably related to the use of the property for which the Use Permit is requested.

[History: formerly § 5.341; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.420 Effective Dates of Use Permit; Reconsideration.

(a) The decision to grant or deny the application for a Use Permit shall become effective upon expiration of ten (10) days following action of the City Council, unless a written request for reconsideration along with a fee, which shall be established from time to time by the City Council of the Town of Colma by resolution, shall have been filed with the City Clerk in accordance with section 1.02.130 of this Code within the ten (10) day period by any person affected by said decision.

(b) A Use Permit shall lapse and become null and void one (1) year following the date on which the Use Permit became effective unless, prior to the expiration of one (1) year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the Use Permit application, or unless the Use Permit is renewed. The City Council shall determine whether or not construction has been commenced and diligently pursued as above required. A Use Permit may be renewed for an additional period of one (1) year from the date when the Use Permit originally became effective. An application for renewal of Use Permit is filed with the City Council setting forth good and sufficient reasons for the renewal. A public hearing on the application is not required. The City Council may grant or deny an application for renewal of Use Permit, with or without conditions.

(c) The Use Permit, and all conditions attached thereto, shall run with the land unless:

(1) There is a change in the law on ordinances authorizing such use;

(2) The Use Permit has lapsed in accordance with subsection (b) above or has been revoked in accordance with section 5.03.430 below.

[History: formerly § 5.342, ORD. 234, 3/14/79; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

5.03.430 Revocation of Use Permit.

A Use Permit may be revoked upon failure to comply with the provisions therefore. Revocation proceedings shall be initiated upon demand by the City Council. Written notice of the revocation proceeding shall be posted on the three (3) official bulletin boards of the Town of Colma and mailed to the owner of the property affected at the address shown on the last tax roll of San Mateo County at least ten (10) days before the matter is brought before the City Council. In lieu of revocation, the City Council may add to, delete or amend conditions of the Use Permit.

[History: formerly § 5.343; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.440 Non-Conforming Building and Uses.

(a) A non-conforming building may be maintained, except as otherwise provided in this section, and repairs and alterations may be made to such building provided that in a building or structure which is non-conforming as to use regulations, no structural alteration shall be made

nor shall a building be added to, or enlarged in any manner, unless such building, including such additions and enlargements, are made to conform to all regulations of the zone in which it is located. No non-conforming building shall be moved in whole or in part to any other location on the lot unless every portion of said building is made to conform to all the requirements of the zone in which it is located.

(b) A non-conforming building which is damaged or partly destroyed by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, to the extent of more than fifty (50) per cent of its value at that time, may be restored provided the total cost of such restoration does not exceed fifty (50) per cent of the value of the building at the time of such damage. In the event such damage or destruction exceeds fifty (50) per cent of the value of such non-conforming building or structure, no repairs or reconstruction shall be made unless every portion of such building is made to conform to all regulations for new buildings in the zone in which it is located.

(c) Except as otherwise provided in this subsection the non-conforming use of a building, existing at the time this ordinance became effective, may be continued; the use of a non-conforming building may be changed to a use of the same or more restricted classification; however, if so changed, it shall not thereafter be changed to a use of a less restricted classification. A vacant non-conforming building may be occupied by a use for which the building was designed or intended if so occupied within a period of one (1) year after the effective date of this ordinance, and the use of a non-conforming building which becomes vacant after the effective date of this ordinance may also be occupied by a use for which the building was designed or intended if so occupied within a period of one (1) year after the building becomes vacant.

(d) A non-conforming use of a building conforming to the use regulations shall not be expanded or extended into any other portion of said building nor changed, except to a conforming use. If such a non-conforming use or portion thereof is discontinued or changed to a conforming use, any further use of such building or portion thereof shall be in conformity with the regulations of the zone in which said building is located.

(e) The non-conforming use of land (where no building is involved), existing at the time this ordinance became effective, may be continued; provided that no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property, and further provided that, if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of land shall be in conformity with the provisions of this ordinance.

[History: formerly § 5.344; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.450 Application for Variance.

(a) An application for a variance shall be made on the Town of Colma Project Application and shall contain such information as is necessary to complete the Project Application. In addition, the application shall contain sufficient information to enable the City Council to determine whether the standards for granting a variance are met.

(b) The application shall be reviewed by the City Planner for completeness in accordance with section 5.01.040 of this Code.

(c) Within ten (10) days after the City Planner has determined that the application is complete, he shall transmit the same to the City Council for his recommendations. This time limitation is merely directory, not mandatory.

(d) A public hearing shall be held by the City Council prior to taking any action to grant or deny any variance. The public hearing shall be conducted in accordance with the provisions of section 1.02.120 of this Code. Whenever possible, the public hearing required by this section shall be held at the same time as, and in conjunction with, the public hearing, if any, on the final EIR for the project for which the variance is requested.

(e) An application for a variance shall be accompanied by a fee, which shall be established from time to time by the City Council of the Town of Colma by resolution.

[History: formerly § 5.345, ORD. 234, 3/14/79; ORD. 443, 9/9/92; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

5.03.460 Standards for Granting a Variance.

(a) Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

(b) Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

(c) In granting a variance, the City Council may impose such conditions as are deemed necessary and desirable to protect the public health, safety and welfare in accordance with the purposes and intent of the General Plan and this subchapter, provided that no variance may be conditioned upon:

(1) The dedication of land for any purpose not reasonably related to the use of the property for which the variance is requested; or

(2) The posting of a bond to guarantee installation of public improvements not reasonably related to the use of the property for which the variance is requested.

[History: formerly § 5.346; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.470 Effective Date of Variance.

The decision to grant or delay a variance shall become effective upon expiration of ten (10) days following action of the City Council, unless a written request for reconsideration along with a filing fee, which shall be established from time to time by the City Council of the Town of Colma by resolution, shall have been filed with the City Clerk in accordance with section 1.02.130 of this Code within said ten (10) day period by any person affected by said decision.

[History: formerly § 5.347, ORD. 234, 3/14/79; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

5.03.480 Application for Amendment.

(a) An application for an amendment described in section 5.03.490(a) of this Code shall be made on the Town of Colma Project Application and shall contain such information as is necessary to complete the Project Application. In addition, the application shall contain sufficient information to enable the City Council to determine whether the standards for granting an amendment are met.

(b) The application shall be reviewed by the City Planner for completeness in accordance with section 5.01.040 of this Code.

(c) Within ten (10) days after the City Planner has determined that the application is complete, he shall transmit the same to the City Council with his recommendations. This time limitation is merely directory, not mandatory.

(d) A public hearing shall be held by the City Council prior to taking any action to grant or deny any amendment. The public hearing shall be conducted in accordance with the provisions of section 1.02.120 of this Code. Whenever possible, the public hearing required by this section shall be held at the same time as, and in conjunction with, the public hearing, if any, on the final EIR for the project for which the amendment is requested.

(e) An application for an amendment shall be accompanied by a fee, which shall be established from time to time by the City Council of the Town of Colma by resolution.

[History: formerly § 5.348; ORD. 234, 3/14/79; ORD. 443, 9/9/92; ORD. 524, 1/14/98; ORD. 638, 12/14/05]

5.03.490 Standards for Adopting Amendments to Zoning Ordinance.

(a) This subchapter may be amended to change any property from one zone to another, or to impose any regulation authorized by state law not theretofore imposed, or to remove or modify any existing regulation theretofore imposed, if such amendment is justified by a change of conditions and is in the public interest.

(b) This subchapter may be amended for any purpose not described in subparagraph (a) above in accordance with state laws governing the adoption and amendment of ordinances in general.

[History: formerly § 5.349; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.500 Compliance.

All departments, officials, or public employees, vested with the duty or authority to issue licenses, permits, or certificates of occupancy where required by law, shall conform to the provisions of this ordinance. No such permit or license for buildings, uses, or purposes where the same would be in conflict with the provisions of this ordinance shall be issued. Any such permit or license, if issued in conflict with the provisions hereof, shall be null and void.

[History: formerly § 5.350; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.510 Interpretation, Purpose, Conflict.

(a) In interpreting and applying the provisions of this ordinance, they shall be held to the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties. Where this ordinance imposes a greater restriction upon the use of buildings or land, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this ordinance shall control.

(b) Whenever there is any question regarding the interpretation of the provisions of this ordinance or their application to any specific case or situation, the City Council shall interpret the intent of this ordinance by written decision and such interpretation shall be followed in applying said provisions.

[History: formerly § 5.351; ORD. 234, 3/14/79; ORD. 638, 12/14/05]

5.03.520 Administrative Permits.

(a) Whenever the Colma Municipal Code specifically provides that a permit or other entitlement regarding use of land may be issued administratively, the City Planner may administratively grant a use permit or other entitlement to use property in accordance with the procedures set forth in this section.

(b) Whenever a Conditional Use Permit for an identifiable parcel of property specifically provides that a permit or other entitlement regarding use of any portion or unit of that property may be issued administratively, the City Planner may administratively grant a use permit or other entitlement to use property in accordance with the procedures set forth in this section.

(c) An application for an Administratively-granted Permit shall be made on the Town of Colma Project Application form and be submitted to the City Planner, along with an application fee which shall be established from time to time by the City Council of the Town of Colma by resolution. The application shall be reviewed by the City Planner for completeness. The City Planner shall notify the City Clerk's office and the applicant when the application is complete.

(d) Notice of the complete application shall be posted in accordance with law. The notice shall describe the application and give the date and time at which the matter will be decided by the City Planner.

(e) Prior to the issuance of an Administrative Permit, the City Planner must find that the proposed activity meets each of the criteria and standards required for issuance of the permit.

(f) In granting an Administrative Use Permit, the City Planner may also impose such conditions as are deemed necessary and desirable to protect the public health, safety and welfare in accordance with the purposes and intent of the General Plan and this subchapter.

(g) A decision of the City Planner to grant or deny an Administrative Use Permit may be appealed by any interested party to the City Council in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code. On the appeal, the City Council shall hear the application *de novo* and shall make an independent judgment to grant or deny the application.

(h) Notwithstanding any of the foregoing provisions of this section 5.03.520, an application for an administrative permit shall be forwarded to the City Council for public hearing and determination in accordance with the Colma Municipal Code whenever:

(1) the City Planner determines to forward the application to the Council; or

(2) any council member gives written notice to the Planner prior to the date and time scheduled to hear the application or within ten days after the hearing, requesting that the application be considered by the City Council.

[*History:* formerly § 5.355, ORD. 234, 3/14/79; ORD. 563, 10/18/99; ORD. 638, 12/14/05, ORD. 647, 7/12/06]

